

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LOTES CO., LTD,

No. C 11-01036 WHA

Plaintiff,

v.

HON HAI PRECISION INDUSTRY CO,
LTD., FOXCONN ELECTRONICS, INC.,

ORDER LIFTING STAY

Defendants.

This action concerns three groups of claims and counterclaims: (1) claims and counterclaims for breach of a patent license agreement that involves several patents owned by defendants, (2) claims for patent infringement and for declaratory judgment of invalidity concerning eight patents, also owned by our defendants, not subject to the license agreement, and (3) claims and counterclaims relating to a joint development agreement among the parties arising from defendants' assertion of patent infringement against plaintiff.

A prior judge stayed this case pending reexamination of several of the patents in suit by the United States Patent and Trademark Office. The case was reassigned to the undersigned judge. At a case management conference, the Court invited briefing regarding the maximum scope of the case that could go forward.


All agree that the case can go forward as to the claims relating to the patent license agreement, but our plaintiff contends that pending reexamination requests at the USPTO

1 warrant maintaining the stay as to the remaining claims. Defendants contend the stay should be
2 lifted in its entirety.

3 Plaintiff argues that the stay should remain in place in part because three relevant
4 patents are currently undergoing reexamination. Two such patents currently stand rejected as to
5 all claims, and a third stands valid as amended after two prior reexaminations. Each of the three
6 patents currently undergoing reexamination has undergone a prior reexamination at the request
7 of our plaintiff herein. That is, our plaintiff has already had ample opportunity to challenge the
8 patents before the USPTO. At this point, there is no point in allowing this case to continue to
9 languish. Plaintiff's successive reexamination requests appear to be a gimmick designed to
10 delay its day of reckoning. This order hereby **LIFTS** the stay in full.

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12 **IT IS SO ORDERED.**

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14 Dated: August 19, 2016.

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16 WILLIAM ALSUP
17 UNITED STATES DISTRICT JUDGE
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